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REMARKS

Claims 1-20 and 25 are pending in the present application. Independent claim 21 has been cancelled hereby, without prejudice or disclaimer. It is respectfully submitted that no new matter has been added by the present response.

Claims 1-5, 8, 20 and 25 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Japanese Patent Document No. 60-56793 (hereinafter "the '793 document"). Applicants respectfully traverse this rejection and submit that claims 1-5, 8, 20, and 25 are patentable over the '793 document for at least the reasons set forth below.

Applicants respectfully submit that the '793 document does not teach at least the following:

- "a plurality of support stubs with each support stub attached to one of a plurality of respective vertical steel columns of a structure under construction, wherein the basket rests on the support stubs," as recited in independent claim 1;
- "a plurality of lower support stubs with each lower support stub mounted to one of a plurality of respective vertical steel columns of a structure under construction, the lower support stubs supporting the lower basket to distribute the weight of the tower crane on the plurality of vertical columns of the structure," as recited in independent claim 20; and
- "a plurality of support stubs with each support stub attached to one of a plurality of respective vertical columns of a structure under construction, each of the plurality of support stubs including a first stub member and a second stub member positioned at a substantially right angle to the first stub member, wherein the

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basket rests on the first stub member and the second stub member of each of the plurality of support stubs," as recited in independent claim 25.

The Office Action states that the '793 document discloses "a plurality of support stubs (35 or the brackets at 35) with each support stub attached to one of a plurality of respective vertical steel columns (P) of a structure under construction" (see Office Action, p. 2, lns. 13-15).

Assuming solely for the purposes of the present response that the elements of the '793 document labeled "P" do disclose "support columns," it is respectfully submitted that the elements labeled "P" are not vertical, as recited in independent claims 1, 20, and 25. As understood by Applicants, the elements of the '793 document labeled "P" are positioned at an angle to a common horizontal ground surface and form an overall trapezoidal shape having a smaller distance between the top ends of the elements than at the bottom ends of the elements, as is shown in Figs. 1-3, 7-8, and 9-11 of the '793 document.

Additionally, it is respectfully submitted that there is no disclosure or suggestion that the elements of the '793 document labeled "P" are "columns of a structure under construction," as recited in independent claims 1, 20, and 25. It is submitted that the non-vertical orientation of the elements labeled "P" further indicate that they do not correspond to or disclose "columns of a structure under construction," as stated above.

Accordingly, Applicants respectfully submit that independent claims 1, 20, and 25, and the claims depending therefrom, are patentable over the cited document. Withdrawal of the rejection of claims 1-5, 8, 20, and 25 under 35 U.S.C. § 102(b) is respectfully requested.

Claims 1-2, 7-8, 15, 19, and 20 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 3,998,029 ("James et al."). Applicants respectfully traverse this

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rejection and submit that claims 1-2, 7-8, 15, 19, and 20 are patentable over James et al. for at least the reasons set forth below.

Applicant respectfully submits that James et al. does not teach at least the following:

- “a plurality of support stubs with each support stub attached to one of a plurality of respective vertical steel columns of a structure under construction, wherein the basket rests on the support stubs,” as recited in independent claim 1;
- “a plurality of first support stubs with each first support stub mounted to one of a plurality of respective vertical steel columns of a structure under construction, wherein each first outrigger foot rests on a respective first support stub,” as recited in independent claim 15.
- “a plurality of first support stubs with each first support stub mounted to one of a plurality of respective vertical steel columns of a structure under construction, wherein each foot rests on and is in compression with a respective first support stub,” as recited in independent claim 19; and
- “a plurality of lower support stubs with each lower support stub mounted to one of a plurality of respective vertical steel columns of a structure under construction,” as recited in independent claim 20.

The Office Action states that James et al. shows “a basket (24) supporting a tower crane (16); and a plurality of support stubs (42) with each support stub attached to one of a plurality of respective vertical steel columns (12) of a structure under construction, wherein the basket rests on the support stubs” (see Office Action, p. 2, lns. 25-27).

As understood by Applicants, however, there is no teaching in James et al. that the columns are vertical steel columns of a structure under construction. As understood by

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Applicants, James et al. teaches the use of four columns which are “found at each of the four corners of a bay in the building” (see James et al., col. 2, lns. 46-48). Further, James et al. discloses that the “bay” is defined by the four columns (see id., col. 3, lns. 6-7). It is respectfully submitted, however, that there is no disclosure or suggestion by James et al. that the columns are “vertical steel columns of a structure under construction,” as recited in independent claims 1, 15, 19, and 20. Applicants further submit that the positioning and orientation of the base frame (element 24) with respect to the columns (elements 12), as depicted in Fig. 7 of James et al., suggests that the columns do not teach “vertical steel columns of a structure under construction,” as described above.

Additionally, Applicants respectfully disagree with the indication in the Office Action, with respect to James et al., that “[t]he pins rest on the brackets as to have the basket’s pins resting on the stubs” (see Office Action, p. 3, lns. 11-13). As understood by Applicants, James et al. teaches a bracket (element 42) being secured to a column (element 12) and bracket plates (elements 44) secured to the ends of the cross beams (elements 36 and 38). As stated in James et al., the fastening assembly includes “pin 40 extending through aligned bores provided in a bracket 42 secured to the column and spaced opposed bracket plates 44 secured to the end of the cross beam” (see James et al., col. 3, lns. 25-36).

Furthermore, it is respectfully submitted that the fastening of the bracket and cross beams of James et al. using a pin extending through aligned bores in the bracket does not disclose or suggest resting on the support stubs, as recited in independent claims 1, 15, and 19.

Lastly, Applicants respectfully resubmit that the bracket of James et al. does not suggest or disclose a support stub attached or mounted to one of a plurality of vertical steel columns of the structure, as recited in independent claims 1, 15, 19, and 20.

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Accordingly, it is respectfully submitted that independent claims 1, 15, 19, and 20, and the claims depending therefrom, are patentable over the cited reference. Withdrawal of the rejection of claims 1-2, 7-8, 15, 19, and 20 under 35 U.S.C. § 102(b) is respectfully requested.

Independent claim 21 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 3,217,896 ("Cannella").

Applicants respectfully submit that independent claim 21 has been cancelled hereby, without prejudice or disclaimer.

Allowable Subject Matter

Applicants acknowledge the indication in the Office Action that claims 9-14 and 16-18 were objected to as depending from rejected claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and the intervening claims (see Office Action, p. 3, lns. 8-9). The independent claims, however, are believed to be patentable over the cited references for at least the reasons set forth above, and Applicants respectfully submit that amendment to the abovementioned claims is therefore not required.

This communication is believed to be fully responsive to the Office Action, and every effort has been made to place the present application in condition for allowance. The claims, in view of the foregoing remarks, are believed to be patentable over the prior art, and a favorable Office Action is hereby earnestly solicited.

If a telephone interview would be of assistance in advancing prosecution of the subject

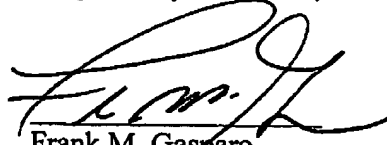
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application, the Examiner is respectfully invited to contact the undersigned at the number provided below.

Respectfully submitted,

Date: May 4, 2005

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